

House File 386

HOUSE FILE _____
BY UPMEYER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the legislative review of administrative
2 rules, and rescinding all rules every five years.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2457HH 82
5 jr/es/88

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1 1 Section 1. Section 17A.4, subsection 1, paragraph a, Code
1 2 2007, is amended to read as follows:

1 3 a. Give notice of its intended action by submitting the
1 4 notice to the administrative rules coordinator and the
1 5 administrative code editor. The administrative rules
1 6 coordinator shall assign an ARC number to each rulemaking
1 7 document. The administrative code editor shall publish each
1 8 notice meeting the requirements of this chapter in the Iowa
1 9 administrative bulletin created pursuant to section 17A.6.

1 10 The agency shall also submit a copy of the notice to the
1 11 speaker of the house of representatives and the president of
1 12 the senate who shall refer the rules to the appropriate
1 13 standing committees of the general assembly for additional
1 14 study. Any notice of intended action shall be published at

1 15 least thirty-five days in advance of the action. The notice
1 16 shall include a statement of either the terms or substance of
1 17 the intended action or a description of the subjects and
1 18 issues involved, and the time when, the place where, and the
1 19 manner in which interested persons may present their views.

1 20 Sec. 2. Section 17A.5, subsection 1, Code 2007, is amended
1 21 to read as follows:

1 22 1. Each agency shall file each rule adopted by the agency
1 23 with the office of the administrative rules coordinator and
1 24 provide an exact copy to the administrative code editor. The
1 25 administrative rules coordinator shall assign an ARC number to
1 26 each rulemaking document. The administrative rules
1 27 coordinator shall keep a permanent register of the rules open
1 28 to public inspection. The administrative code editor shall
1 29 publish each rule adopted in accordance with this chapter in
1 30 the Iowa administrative code. The agency shall also submit a
1 31 copy of the adopted rule to the speaker of the house of

1 32 representatives and the president of the senate who shall
1 33 refer the rule to the appropriate standing committees of the
1 34 general assembly for additional study.

1 35 Sec. 3. Section 17A.5, Code 2007, is amended by adding the
2 1 following new subsection:

2 2 NEW SUBSECTION. 3. An administrative rule is rescinded
2 3 five years after the initial effective date of the rule,
2 4 excluding the effective dates of later amendments. For rules
2 5 that are in effect on July 1, 2007, the rescision date is July
2 6 1, 2012.

2 7 Sec. 4. Section 17A.6, subsection 3, unnumbered paragraph
2 8 2, Code 2007, is amended to read as follows:

2 9 The administrative code editor shall omit or cause to be
2 10 omitted from the Iowa administrative code any rule or portion
2 11 of a rule nullified by the general assembly pursuant to
2 12 Article III, section 40, of the Constitution of the State of
2 13 Iowa, and shall publish notice of such nullification in the
2 14 bulletin.

2 15 Sec. 5. NEW SECTION. 17A.8A LEGISLATIVE REVIEW OF RULES.

2 16 The standing committees of the house of representatives and
2 17 senate may review any administrative rule. If reviewed, the
2 18 standing committee reviewing the rule shall report to the
2 19 house of representatives or senate its findings and
2 20 recommendations concerning its review. If ordered by the

2 21 speaker of the house of representatives or the president of
2 22 the senate, the report of the committee shall be printed in
2 23 the journal.

2 24 EXPLANATION

2 25 This bill requires administrative agencies to submit copies
2 26 of all proposed and adopted administrative rules to the
2 27 general assembly and would allow standing committees of the
2 28 house of representatives and senate to review any
2 29 administrative rule. As part of the rulemaking process, no
2 30 rule could remain in effect for more than five years.

2 31 LSB 2457HH 82

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